

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### Senate Bill 625

FISCAL  
NOTE

BY SENATORS TRUMP AND WELD

[Introduced January 27, 2020; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §60-7-8b, relating to creating one-day annual license permitting the charitable  
 3 auction of sealed rare, antique, or vintage liquor bottles; setting license fee; establishing  
 4 license requirements; and providing certain limited exceptions.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 7. LICENSES TO PRIVATE CLUBS.**

### **§60-7-8b. One-day charitable rare, antique, or vintage liquor auction; licensee fee and application; license subject to provisions of article; exceptions.**

1 The commissioner may issue a special one-day, one-time, once a year license to a  
 2 licensed private club in partnership with duly organized, federally approved nonprofit corporations,  
 3 associations, organizations, or entities allowing the nonprofit to conduct a charitable auction of  
 4 certain sealed bottles of rare, antique, or vintage liquor, as determined by the commissioner, on  
 5 the private club licensee's licensed premises for off-premises consumption only, when raising  
 6 money for athletic, charitable, educational, scientific, or religious purposes. The one-time annual  
 7 limit applies to the private club and the nonprofit. "Auction or auctioning", for the purposes of this  
 8 subsection, means any silent, physical act, or verbal bid auction, where such auction requires in-  
 9 presence bidding and online Internet-based electronic bidding through a secure Internet-based  
 10 application or website. The winning bidder of the auctioned rare, antique, or vintage liquor must  
 11 pay and receive the sealed rare, antique, or vintage liquor bottle on or before the conclusion of  
 12 the event. The private club and nonprofit shall not deliver or ship sealed rare, antique, or vintage  
 13 liquor bottles. The applicants shall jointly complete an application, including, but not limited to, the  
 14 date, time, place, and floorplan of the charitable event, a signed and notarized statement that at  
 15 least 80 percent of the gross proceeds from the charitable event will be donated directly to the  
 16 nonprofit before accounting for the charitable event's expenses, and such other information as  
 17 the commissioner may reasonably require. The commissioner may audit and verify the 80 percent  
 18 requirement. The applicants must be in good standing with the commissioner and the state, and

19 the applicants must receive the commissioner's approval prior to the charitable event. The  
20 applicants shall pay a \$500 nonrefundable and nonprorated fee for the license. The license  
21 application shall be submitted to the commissioner at least 15 days prior to the event. The  
22 commissioner shall review the applicants' list of rare, antique, or vintage liquor, and the applicants  
23 may submit paperwork showing that the liquor was purchased from a licensed retail outlet in  
24 accordance with §60-3A-1 et seq. of this code with all taxes and fees paid for any rare, antique,  
25 or vintage liquor with no documentation or not purchased in accordance with §60-3A-1 et seq. of  
26 this code may be approved for auction, if all taxes and fees are paid to the commissioner in  
27 accordance with §60-3A-1 et seq. of this code. Any undocumented rare, antique, or vintage liquor  
28 approved for charitable auction by the commissioner must be labeled in the interest of public  
29 health and safety, "Purchase and consume at your own risk as the authenticity or source of  
30 manufacture of this bottle has not been verified."

31 The nonprofit's charitable auctioning of sealed rare, antique, or vintage liquor bottles, as  
32 determined by the commissioner, is permitted on the private club's licensed premises,  
33 notwithstanding the bingo, raffle, and lottery provisions of §47-20-10, §47-21-11, and §61-10-1 et  
34 seq. of this code, but in compliance with the auction requirements §19-2c-1 et seq. of this code:  
35 Provided, That the nonprofit upon licensure by this code section is permitted a limited one-time  
36 exception of the requirement to be a licensed retail outlet and hold a retail license issued pursuant  
37 to §60-3A-1 et seq. of this code in order to sell liquor: Provided, however, That the private club  
38 upon licensure by this code section will be provided a limited one-time exception from §60-7-  
39 12(a)(1) and §60-6-8(6) of this code, and more specifically §60-6-8(6)(A) of this code, in order to  
40 permit the licensed nonprofit to sell via auction the sealed rare, antique, or vintage liquor bottles  
41 for off-premises consumption, and the carrying onto, the sale of, and the carrying off of the  
42 licensed premises such approved sealed liquor bottles. Any private club or nonprofit licensed  
43 pursuant to this code section are subject to all penalties for violations committed under §60-7-1  
44 et seq. of this code.

NOTE: The purpose of this bill is to permit the limited charitable auctioning of certain rare, antique, or vintage bottles of liquor in limited circumstances for a true charitable purpose while not violating other code sections regarding the sale and use of alcohol as a prize or the rights of retail liquor outlets licensed throughout the state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.